

Application No. 09/265,070  
Amendment dated September 14, 2004  
Reply to Office Action dated June 15, 2004

Docket No. 1232-4519

### **REMARKS**

Applicants respectfully request reconsideration of this application in view of the foregoing amendments and following remarks.

#### **Status of the Claims**

Claims 1-68 were originally pending in this application. Claims 1-16 and 60-68 were withdrawn after the restriction/election requirement. Claims 22-25, 27-30, 36-39, 41-44, 50-53 and 55-58 were cancelled. Claims 69-71 were added. As a result, claims 17-21, 26, 31-35, 40, 45-49, 54, 59, 69, 70 and 71 are currently pending. Claims 17, 31 and 45 are independent. By this Amendment, independent claims 17, 31 and 45 are amended. No new matter has been added by this Amendment.

#### **Rejection under 35 U.S.C. §103**

Claims 17-21, 26, 31-35, 40, 45-49 and 54 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,389,179 to Katayama et al. ("Katayama") in view of U.S. Patent No. 5,864,360 to Okauchi et al. ("Okauchi").

Independent claims 17, 31 and 45 have been amended for further clarification. In particular, amended claim 17 recites among other things "selecting means for making the user selects whether or not to continue an image sensing operation when said optical system condition change instruction means outputs the signal to change the optical system condition; and control means for completing associating operation of the plurality of images which have been sensed before reception of the instruction for changing the optical system condition of said image sensing lens from said optical system condition change instruction means in a case that the user selects to finish the image sensing operation, and for finishing associating operation of images

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sensed after a first one of the plurality of images to be stored in said storage means in association with each other is sensed and stored, and for controlling to stop changing of the optical system condition when the user selects to continue the image sensing operation." Each of claims 31 and 45 is amended similarly. Support for the amendment may be found throughout the specification including: lines 9-13 of page 139; line 25 of page 144 - line 2 of page 145; lines 13-25 of page 145, line 20 of page 157 - line 4 of page 158; line 3 of page 163 - line 16 of page 164; and line 13 of page 145 - line 4 of page 146.

One of the aspects of the invention as featured in the amended claims is directed to completing associating operation of the images sensed before reception of the instruction for changing the optical system condition of said image sensing lens in a case that the user selects to finish the image sensing operation. The invention of the amended claims is further directed to controlling to stop changing of the optical system condition when the user selects to continue the image sensing operation.

Applicants believe that neither Katayama nor Okauchi shows or suggests this aspect of the invention of amended claims 17, 31 and 45 as discussed above.

Accordingly, each of claims 17, 31 and 45 as amended is neither anticipated by nor rendered obvious in view of Katayama and Okauchi, either taken alone or in combination, for at least the reasons discussed above.

Reconsideration and withdrawal of the rejections of claims 17, 31 and 45 under 35 U.S.C. §103(a) is respectfully requested.

Applicants have not individually addressed the rejections of the dependent claims because Applicants submit that the independent claims from which they respectively depend are

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in condition for allowance as set forth above. Applicants however reserve the right to address such rejections of the dependent claims should such be necessary.

Applicants believe that this application is in condition for allowance and such action is respectfully requested.

#### AUTHORIZATION

No petitions or additional fees are believed due for this amendment and/or any accompanying submissions. However, to the extent that any additional fees and/or petition is required, including a petition for extension of time, Applicants hereby petition the Commissioner to grant such petition, and hereby authorizes the Commissioner to charge any additional fees, including any fees which may be required for such petition, or credit any overpayment to Deposit Account No. 13-4500 (Order No. 1232-4519). A DUPLICATE COPY OF THIS SHEET IS ENCLOSED.

An early and favorable examination on the merits is respectfully requested.

Respectfully submitted,  
MORGAN & FINNEGAN LLP

Dated: September 14, 2004

By: 

Sungbo Hong  
Registration No. 54,571  
(212) 415-8700 Telephone  
(212) 415-8701 Facsimile

CORRESPONDENCE ADDRESS:  
MORGAN & FINNEGAN L.L.P.  
3 World Financial Center  
New York, New York 10281-2101